

AMENDED IN SENATE MAY 24, 2006

AMENDED IN SENATE MAY 2, 2006

AMENDED IN SENATE APRIL 18, 2006

AMENDED IN SENATE MARCH 29, 2006

SENATE BILL

No. 1555

Introduced by Senator Speier

(Coauthors: Senators Bowen and Kuehl)

(Coauthors: Assembly Members Jones, Koretz, Mullin, and Pavley)

February 23, 2006

An act to add Section ~~16304.6~~ 1604.6 to, and to add Article 4 (commencing with Section 123370) to Chapter 1 of Part 2 of Division 106 of, the Health and Safety Code, relating to cord blood banking, *and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1555, as amended, Speier. Umbilical cord blood banking: education.

Existing law imposes various responsibilities upon the State Department of Health Services and prenatal care providers with respect to prenatal care, screening, and counseling.

This bill would require that a primary prenatal care provider, as defined, provide to a woman who is known to be pregnant, during the first prenatal visit, information developed by the State Department of Health Services regarding her options with respect to umbilical cord blood banking. The bill would provide that a prenatal care provider who demonstrates willful or repeated violations of this requirement may be referred to the appropriate licensing authority. The bill would require the department to develop standardized, objective information,

available in Cantonese, English, Spanish, and Vietnamese, about cord blood donation that is sufficient to allow a pregnant woman to make an informed decision on whether to participate in a private or public umbilical cord blood banking program. ~~This bill would require a cord blood bank, in order to be licensed under these provisions, to be accredited, as specified. The bill would require that the information be made available on the Internet Web sites of the licensing boards or agencies that have oversight over primary prenatal care providers. The bill would specify that those provisions requiring the department to develop that information only be implemented, upon a determination by the Director of Finance, that sufficient private donations have been collected and deposited into the Umbilical Cord Blood Education Account, which the bill would create and continuously appropriate for this purpose.~~

Existing law, administered by the State Department of Health Services, contains provisions governing the licensure of blood banks. A violation of these provisions is a misdemeanor.

This bill would, notwithstanding any other provision of law, provide that a blood bank, in order to be licensed to provide cord blood banking storage services, shall be required to be accredited by the American Association of Blood Banks.

Because a violation of this provision would create a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section ~~16304.6~~ 1604.6 is added to the Health
- 2 and Safety Code, to read:
- 3 ~~16304.6.~~
- 4 1604.6. Notwithstanding any other provision of law, a blood
- 5 bank, in order to be licensed to provide cord blood banking

1 storage services, shall be required to be accredited by the
2 American Association of Blood Banks.

3 SEC. 2. Article 4 (commencing with Section 123370) is
4 added to Chapter 1 of Part 2 of Division 106 of the Health and
5 Safety Code, to read:

6
7 Article 4. Cord Blood Banking Education
8

9 123370. (a) The primary prenatal care provider of a woman
10 who is known to be pregnant shall, during the first prenatal visit,
11 provide her with information developed by the department
12 regarding her options with respect to umbilical cord blood
13 banking at the same time the provider provides information
14 regarding the use and availability of prenatal screening for birth
15 defects of the fetus, as required by Section 6527 of Title 17 of the
16 California Code of Regulations. For purposes of this section, a
17 “prenatal care provider” means a health care provider licensed
18 pursuant to Division 2 (commencing with Section 500) of the
19 Business and Professions Code, or pursuant to an initiative act
20 referred to in that division, who provides prenatal medical care
21 within his or her scope of practice.

22 (b) A prenatal care provider who demonstrates willful or
23 repeated violations of this section may be referred by any person
24 having knowledge of the violations to the appropriate licensing
25 authority.

26 (c) Nothing in this section is intended to modify Section 6527
27 of Title 17 of the California Code of Regulations.

28 123371. (a) The State Department of Health Services shall
29 develop standardized, objective information about cord blood
30 donation that is sufficient to allow a pregnant woman to make an
31 informed decision on whether to participate in a private or public
32 umbilical cord blood banking program. This information shall
33 include, but not be limited to, all of the following:

34 (1) The current and potential future medical uses of stored
35 umbilical cord blood.

36 (2) The benefits and risks involved in umbilical cord blood
37 banking.

38 (3) The medical process involved in umbilical cord blood
39 banking.

1 (4) Medical or family history criteria that can impact a
2 family's consideration of umbilical cord banking.

3 (5) An explanation of the differences between public and
4 private umbilical cord blood banking.

5 (6) The availability and costs of public or private umbilical
6 cord blood banks.

7 (7) Medical or family history criteria that can impact a
8 family's consideration of umbilical cord blood banking.

9 (8) An explanation that the practices and policies of blood
10 banks may vary with respect to accreditation, cord blood
11 processing and storage methods, costs, and donor privacy.

12 (b) The information provided by the department pursuant to
13 subdivision (a) shall be made available in Cantonese, English,
14 Spanish, and Vietnamese.

15 (c) *The information provided by the department pursuant to*
16 *subdivision (a) shall be made available on the Internet Web sites*
17 *of the licensing boards that have oversight over primary prenatal*
18 *care providers.*

19 (d) *The department shall only implement this section upon a*
20 *determination by the Director of Finance, that sufficient private*
21 *donations have been collected and deposited into the Umbilical*
22 *Cord Blood Education Account, which is hereby created in the*
23 *State Treasury and which, notwithstanding Section 13340 of the*
24 *Government Code, is hereby continuously appropriated for*
25 *purposes of this section. No public funds shall be used to*
26 *implement this section. If sufficient funds are collected and*
27 *deposited into the account, the Director of Finance shall file a*
28 *written notice thereof with the Secretary of State.*

29 SEC. 3. No reimbursement is required by this act pursuant to
30 Section 6 of Article XIII B of the California Constitution because
31 the only costs that may be incurred by a local agency or school
32 district will be incurred because this act creates a new crime or
33 infraction, eliminates a crime or infraction, or changes the
34 penalty for a crime or infraction, within the meaning of Section
35 17556 of the Government Code, or changes the definition of a
36 crime within the meaning of Section 6 of Article XIII B of the
37 California Constitution.

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